

REMARKS

In accordance with the foregoing, claims 1, 9, 12, 14-18, 21, and 32 have been amended. No new matter is being added. Claims 1-18, and 20-32 are pending and under consideration.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-6, 8-9, 11, 15-18, 20-21, and 32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable by Mcllvain et al. (Mcllvain), U.S. Patent No. 5,765,200 in view of Barton et al. (Barton), U.S. Patent No. 6,233,389; claims 12-14, 23-26, and 28-31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable by Mcllvain in view of Barton and further in view of Aoki et al. (Aoki), U.S. Patent No. 6,009,231; claims 7 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable by Mcllvain, and Barton in further view of Aoki; and claims 22 and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable by Mcllvain in view of Barton, and further in view of Peters et al. (Peters), U.S. Patent No. 5,884,284. These rejections are respectfully traversed.

Applicant herein incorporates by reference the remarks filed September 21, 2009, and requests a full response to same in a next Office Action.

Further, Applicant has amended claims 1, 9, 12, 14-18, 21, and 32 to recite "wherein physical blocks are indicated to be free blocks in [the] control information."

Applicant respectfully submits that the cited art of record, whether considered alone, or in combination, fails to discuss or suggest at least the newly amended features.

Therefore, Applicant respectfully submits that claims 1, 9, 12, 14-18, 21, and 32, and all claims depending therefrom, patentably distinguish over the cited art, whether considered alone or in combination.

Favorable reconsideration and a withdrawal of the rejection against claims 1-18, and 20-43 are respectfully requested.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Serial No.: 09/679,069

Docket No. 1317.1068

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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